



**COMMONWEALTH of VIRGINIA**  
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July 29, 2004

Dr. Jo Lynne DeMary  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Repeal of Rules Governing Proposed Contractual Agreements  
with Professional Personnel  
(8 VAC 20-430-10)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to repeal the above Rules Governing Contractual Agreements with Professional Personnel, 8 VAC 20-430-10.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In addition, § 22.1-302 directs the Board to prescribe the forms of contracts for teachers, including supplemental contracts for coaching and extracurricular activities. In the time since the adoption of the above-referenced regulations, the Board has adopted separate Regulations Governing the Employment of Professional Personnel, 8 VAC 20-440-10, *et seq.* At the time of this more recent adoption, the older regulations should have been repealed; at a minimum, they are unnecessary. Repeal of these regulations is an appropriate and advisable course of action.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild  
Senior Assistant Attorney General

